

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

COREY ALLAN SAYLOR,

Defendant-Appellant.

UNPUBLISHED

November 23, 1999

No. 215673

Grand Traverse Circuit Court

LC No. 97-007329 FH

Before: Whitbeck, P.J., and Gribbs and White, JJ.

MEMORANDUM.

Defendant appeals by delayed leave granted his plea-based conviction of operating a vehicle under the influence of intoxicating liquor (OUIL), third offense, MCL 257.625(7)(d); MSA 9.2325(7)(d). Based on subsequent developments, we vacate the order granting defendant leave to appeal. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's plea of guilty to OUIL, third offense, was conditioned on the validity of the two prior OUIL convictions. The trial court sentenced defendant to forty to sixty months in prison, with credit for 161 days. Another panel of this Court granted defendant's delayed application for leave to appeal the conviction of OUIL, third offense.

Defendant filed a delayed application for leave to appeal the trial court's order affirming decisions by the district court denying his motions to withdraw the pleas which resulted in the two prior OUIL convictions (Docket No. 216747). Another panel of this Court denied the delayed application for lack of merit.

In the instant appeal, defendant presents no substantive issues for appellate review. He argues only that these proceedings should be held in abeyance pending a decision in Docket No. 216747, or that this matter should be remanded if relief is granted in Docket No. 216747. Defendant was not granted the relief he sought from this Court in Docket No. 216747. Therefore, we vacate the order granting defendant's delayed application for leave to appeal the instant case.¹

Appeal dismissed.

/s/ William C. Whitbeck

/s/ Roman S. Gibbs

/s/ Helene N. White

¹ In a supplemental brief, defendant informs this Court that he filed a timely application for leave to appeal from this Court's ruling in No. 216717, and asks that the instant case be held in abeyance until the Supreme Court rules on the application. We decline to do so. However, defendant may file a motion to reinstate in the event the Supreme Court grants the application for leave.